

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

Oswaldo Orengo MD, Judith M. Orengo, and the conjugal partnership constituted between them,

Plaintiffs,

v.

Clare County, Clare County Police Department, Barry Babcock, in his personal and official Capacity, Norman E. Cage, in his personal and Official capacity, Mid Michigan Health, and John Doe,

Defendants

CIVIL CASE NO.: 08-1551 RLA

RE: Violation of Civil Rights.

MOTION TO DISMISS

TO THE HONORABLE COURT:

COMES NOW Defendants, **Clare City Police Department and Barry Babcock**, without submitting to the jurisdiction of this Honorable Court, and through the undersigned attorneys respectfully move this Court for an order of dismissal pursuant to Fed. R. Civ. Proc. 12(b)(2) and (3):

1. This Court lacks personal jurisdiction over the defendants and venue is improper on the case at hand.

2. This present motion is based upon the brief in support of motion to dismiss filed herewith, the arguments contained therein, and the affidavits attached thereto.

3. As the brief in support of this motion states in detail, the plaintiff's have failed to make out a prima facie showing that defendants are subject to personal jurisdiction in the District of Puerto Rico.

4. The defendants have no contacts with the Commonwealth of Puerto Rico.

5. As well, venue is improper in the District Court of Puerto Rico, since all the defendants reside in the Eastern District of Michigan and all events giving rise to the plaintiff's claims occurred in the Eastern District of Michigan.

6. For the foregoing reasons discussed in the brief in support of this Motion to Dismiss, defendants respectfully request this Honorable Court to grant their Motion to Dismiss for lack of personal jurisdiction pursuant to Rule 12 (b) (2).

RESPECTFULLY SUBMITTED.

I hereby certify that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to [all](#) the attorneys of the record.

In San Juan, Puerto Rico, on this 5th day of August, 2008.

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